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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Secretary-General

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I. Introduction

1. On 16 December 1996, the General Assembly adopted resolution 51/156, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". Paragraphs 2 to 12 of the resolution read as follows:

> "*The General Assembly,*
>
> "...
>
> "2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;
>
> "3. *Urges* States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;
>
> "4. *Also urges* States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to bring offenders to justice;
>
> "5. *Recommends* that States should cooperate closely through, *inter alia*, contracts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;
>
> "6. *Urges* States to take all appropriate measures, in accordance with international law, at the national and international levels to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;
>
> "7. *Recommends* that States should cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its judicial authorities in order to bring offenders to justice;
>
> "8. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;
>
> "9. *Also calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for the peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

"10. *Requests* all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

"11. *Requests* the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 10 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

"12. *Decides* to include in the provisional agenda of its fifty-third session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives."

2. The present report is prepared pursuant to paragraph 11 of resolution 51/156.

3. Reference is made to the request contained in paragraph 9 of General Assembly resolution 42/154 of 7 December 1987 and paragraph 10 of General Assembly resolution 51/156, whereby States were requested, *inter alia*, to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives. Section II of the present report contains an analytical summary of the report received and the text of the report. No comments were received during the reporting period pursuant to paragraph 11 of General Assembly resolution 42/154, whereby States were invited to inform the Secretary-General of their views with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives.

4. Section III of the present report contains the status of participation of States, as at 30 June 1998, in the Vienna Convention on Diplomatic Relations of 1961,[1] the Vienna Convention on Consular Relations of 1963[2] and the respective optional protocols thereto, as well as the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.[3]

II. Reports received from States pursuant to paragraph 10 of General Assembly resolution 51/156

5. The report submitted to the Secretary-General from the Islamic Republic of Iran during this period involved a violent intrusion of the Embassy of the Islamic Republic of Iran and theft of property, including cars, therein.

6. *The Islamic Republic of Iran* submitted the following report dated 24 April 1998:

> On 31 December 1997, 20 members of the military forces of the *coup d'état* Government in Sierra Leone, with the full backing and support of the Defence Ministry authorities of Sierra Leone, went to the Embassy of the Islamic Republic of Iran in Freetown and asked the only locally recruited member of the mission and a guard, who was also present, for the keys to the embassy premises and diplomatic vehicles, all the while threatening the two with death. Failing to obtain the keys, they disregarded the inviolability of the premises of the embassy by smashing the windows of the building and taking away with them all movable office property, including computers, along with the cars of the embassy in violation of article 22 of the 1961 Vienna Convention on Diplomatic Relations.

7. The Secretary-General, in accordance with paragraph 10 (c) of resolution 42/154, addressed reminders to four States which had not responded to cases reported by other States.

III. Status of participation in international conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives as at 30 June 1998*

8. Each instrument listed below is represented by the letter shown on the left in tables 1 and 2 that follow:

A: Vienna Convention on Diplomatic Relations of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964, in accordance with article 51).

B: Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964, in accordance with article VI).

C: Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964).

D: Vienna Convention on Consular Relations of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967, in accordance with article 77).

E: Optional Protocol to the Vienna Convention on Consular Relations concerning Acquisition of Nationality of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967).

F: Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967).

G: Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973 (adopted by the General Assembly of the United Nations on 14 December 1973; entered into force on 20 February 1977).

* For the text of reservations, declarations or communications accompanying the signatures, ratifications, accessions or successions to the international instruments, see *Multilateral Treaties Deposited with the Secretary-General* (United Nations Publication, Sales No. E.97.V.5), also at the Internet address: http://www.un.org/Depts/Treaty.

TABLE 1

Total participation in International Conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives

SIGNATURE						
A	B	C	D	E	F	G
60	20	31	48	19	39	26

RATIFICATION, ACCESSION OR SUCCESSION						
A	B	C	D	E	F	G
178	48	61	159	36	44	101

TABLE 2

Status of participations in International Conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives

STATES	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Afghanistan								A						
Albania	A							A			D			
Algeria								A			D			
Andorra								A			D			
Angola								A			D			
Antigua and Barbuda											D			G
Argentina	A	B		D		F		A	B		D			G
Armenia								A			D			G
Australia	A			D			G	A		C	D		F	G
Austria	A		C	D		F		A		C	D		F	G
Azerbaijan								A			D			
Bahamas								A		C	D			G
Bahrain								A			D			
Bangladesh								A			D			
Barbados								A			D			G
Belarus	A						G	A			D			G
Belgium	A		C	D		F		A	B	C	D	E	F	
Belize														
Benin				D		F		A			D			
Bhutan								A			D			G
Bolivia				D				A			D			
Bosnia and Herzegovina					E	F		A	B	C	D			G
Botswana								A	B	C				
Brazil	A			D	E			A			D			
Brunei Darussalam														G
Bulgaria	A						G	A		C	D	E	F	G
Burkina Faso				D		F		A			D		F	
Burundi								A						G
Cambodia								A	B	C				
Cameroon				D	E	F		A			D			G
Canada	A						G	A			D			G
Cape Verde								A			D			
Central African Republic	A	B	C	D		F		A	B	C				
Chad								A						
Chile	A			D		F		A			D			G

STATES	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
China		B[4]	C[4]		E[5]	F[5]		A			D			G
Colombia	A		C	D	E	F		A			D			G
Comoros														
Congo				D	E	F		A						
Cook Island														
Costa Rica	A			D				A		C	D			G
Côte d'Ivoire				D		F		A						
Croatia								A			D			G
Cuba	A			D				A			D			G
Cyprus								A			D			G
Czech Republic								A			D			G
Democratic People's Republic of Korea								A			D			G
Democratic Republic of the Congo	A			D	E	F		A	B	C	D			G
Denmark	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Djibouti								A			D			
Dominica								A			D			
Dominican Republic	A	B	C	D	E	F		A	B	C	D	E	F	G
Ecuador	A		C	D			G	A		C	D			G
Egypt								A	B		D	E		G
El Salvador								A			D			G
Equatorial Guinea								A			D			
Eritrea								A			D			
Estonia								A	B	C	D	E	F	G
Ethiopia								A						
Fiji								A		C	D			
Finland	A	B	C	D	E	F	G	A	B	C	D	E	F	G
France	A		C	D		F		A		C	D		F	
Gabon				D		F		A	B	C	D	E	F	G
Gambia														
Georgia								A			D			
Germany	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Ghana	A	B	C	D	E	F		A			D	E		G
Greece	A							A			D			G
Grenada								A			D			
Guatemala	A						G	A			D			G
Guinea								A	B	C	D			
Guinea-Bissau								A						
Guyana								A			D			
Haiti								A			D			G
Holy See	A			D				A			D			
Honduras								A			D			

STATES	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Hungary	A						G	A		C	D		F	G
Iceland							G	A	B	C	D	E	F	G
India								A	B	C	D	E	F	G
Indonesia				D				A	B		D	E		
Iran (Islamic Republic of)	A	B	C					A	B	C	D	E	F	G
Iraq	A	B	C					A	B	C	D	E		G
Ireland	A		C			F		A			D			
Israel	A		C	D				A						G
Italy	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Jamaica								A			D			G
Japan	A		C					A		C	D		F	G
Jordan								A			D			G
Kazakstan								A			D			G
Kenya								A	B	C	D	E	F	
Kiribati								A			D			
Kuwait				D	E	F		A		C	D			G
Kyrgyzstan								A			D			
Lao People's Democratic Republic								A	B	C	D	E	F	
Latvia								A			D			G
Lebanon	A	B	C	D		F		A			D			G
Lesotho								A			D			
Liberia	A			D	E	F		A			D			G
Libyan Arab Jamahiriya								A	B					
Liechtenstein	A		C	D		F		A		C	D		F	G
Lithuania				D				A			D			
Luxembourg	A		C	D		F		A		C	D		F	
Madagascar								A	B	C	D	E	F	
Malawi								A	B	C	D	E	F	G
Malaysia								A	B	C	D			
Maldives											D			G
Mali								A			D			
Malta								A		C	D			
Marshall Islands								A			D			
Mauritania								A						G
Mauritius								A		C	D		F	
Mexico	A			D				A			D			G
Micronesia (Federated States of)								A			D			
Monaco														
Mongolia							G	A			D			G
Morocco								A	B		D	E		
Mozambique								A			D			

STATES	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Myanmar								A	B		D			
Namibia								A			D			
Nauru								A						
Nepal								A	B	C	D	E	F	G
Netherlands								A	B	C	D	E	F	G
New Zealand	A		C					A		C	D		F	G
Niue														
Nicaragua							G	A	B	C	D	E	F	G
Niger				D		F		A	B	C	D	E	F	G
Nigeria	A							A			D			
Norway	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Oman								A	B	C	D	E	F	G
Pakistan	A							A		C	D		F	G
Palau														
Panama	A			D	E	F		A	B	C	D	E	F	G
Papua New Guinea								A			D			
Paraguay							G	A	B	C	D	E	F	G
Peru				D		F		A			D			G
Philippines	A	B	C	D		F		A	B	C	D	E	F	G
Poland	A			D			G	A			D			G
Portugal								A			D			G
Qatar								A						G
Republic of Korea	A	B	C					A	B	C	D	E	F	G
Republic of Moldova								A			D			G
Romania	A						G	A			D			G
Russian Federation	A						G	A			D			G
Rwanda							G	A			D			G
Saint Kitts and Nevis														
Saint Lucia								A			D			
Saint Vincent and the Grenadines														
Samoa								A			D			
San Marino	A							A						
Sao Tome and Principe								A			D			
Saudi Arabia								A			D			
Senegal	A	B						A			D	E	F	
Seychelles								A		C	D		F	G
Sierra Leone								A						
Singapore														
Slovakia								A			D			G
Slovenia								A		C	D			G
Solomon Islands														
Somalia								A			D			

STATES	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
South Africa	A							A			D			
Spain								A			D			G
Sri Lanka	A							A	B	C				G
Sudan								A			D			G
Suriname								A	B	C	D	E	F	
Swaziland								A						
Sweden	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Switzerland	A		C	D		F		A	B	C	D	E	F	G
Syrian Arab Republic								A			D			G
Tajikistan								A			D			
Thailand	A	B						A	B					
The former Yugoslav Republic of Macedonia								A	B	C	D			G
Togo								A			D			G
Tonga								A			D			
Trinidad and Toba								A			D			G
Tunisia							G	A	B		D	E		G
Turkey								A			D			G
Turkmenistan								A			D			
Tuvalu								A			D			
Uganda								A						
Ukraine	A						G	A			D			G
United Arab Emirates								A			D			
United Kingdom of Great Britain and Northern Ireland	A		C	D		F	G	A		C	D		F	G
United Republic of Tanzania	A	B	C					A	B	C	D			
United States of America	A		C	D		F	G	A		C	D		F	G
Uruguay	A			D		F		A			D			G
Uzbekistan								A			D			G
Vanuatu											D			
Venezuela	A			D				A			D			
Viet Nam								A			D			
Yemen								A			D			G
Yugoslavia	A	B	C		E	F	G	A	B	C	D			G
Zambia								A						
Zimbabwe								A						

NOTES

1. United Nations, Treaty Series, vol. 500, No. 7310, p. 95.

2. Ibid., vol. 596, No. 8638, p. 261.

3. General Assembly resolution 3166 (XXVIII), annex.

4. Signed on behalf of the Republic of China on 18 April 1961. See notes concerning signatures, ratifications, accessions, etc., on behalf of China: note 4 in chapter I.1 and note 1 in chapter III.3 of the Multilateral Treaties Deposited with the Secretary-General.

5. Signed on behalf of the Republic of China on 24 April 1963. See note concerning signatures, ratifications, accessions, etc., on behalf of China: note 4 in chapter I.1 of the Multilateral Treaties Deposited with the Secretary-General.